

OPINION
58-137

October 13, 1958 (OPINION)

INSANE, FEEBLEMINDED, ETC.

RE: General Provisions - Transfer of Patients

This is in reply to your request for an opinion of this office in regard to the transfer of patients from the Grafton State School for the Feeble-minded to the San Haven State School for the Feeble-minded.

You call our attention to the amendment of section 25-0102 of the N.D.R.C. of 1943 by chapter 197 of the Session Laws of 1957, providing for the transfer of patients between the Grafton State School and the San Haven State School. You also call our attention to the provision of section 10 of the Act providing in effect that the amendment of section 25-0102 shall not be effective until July 1, 1961. You inform us that Unit No. 1 at San Haven is nearing completion. You ask whether your Board is in legal conformity in making a transfer of patients prior to July 1, 1961.

Considering the general provisions of chapter 25-04 of the N.D.R.C. of 1943 and the more specific grant of authority to the Board of Administration under section 54-2301 of the 1957 Supplement to the North Dakota Revised Code of 1943, to manage, control and govern, the various institutions, subject only to the limitations contained in chapter 54-23 and in title 25 of the N.D.R.C. of 1943, we find no legal objection to the physical transfer of patients committed to the State School to the facilities at San Haven.

LESLIE R. BURGUM

Attorney General